

REMARKS

Claim 18 has been amended to provide a clearer definition of the term “regret” as used in the claims. Claim 23 has been amended to make minor clarifications, and claims 24 and 25 have been amended to change step “d” to step “e” to distinguish from step “d” in claim 18. In making this amendment, Applicant does not imply that step “e” necessarily follows step “d” of claim 18. Upon entry of this amendment, claims 18-33 will remain in the application.

In the Final Rejection, the specification has been objected to because the title is allegedly not descriptive. Applicant has amended the title along the lines suggested by the Examiner in order to be more clearly indicative of the invention to which the claims are directed. Withdrawal of the objection to the specification is solicited.

In the Final Rejection, claims 18-33 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite as an “infinite loop, continually iterating with no end or any specific result.” Applicant notes that the invention is a method for controlling a system so long as the system is operational. Accordingly, the beginning and end of the method is defined by the system being controlled and is not a necessary feature of the method itself. Claims 18-33 as presented are thus believed to be clear and definite, and withdrawal of the rejection of claims 18-33 under 35 U.S.C. 112, second paragraph, is solicited.

In the Final Rejection, claims 18-21, 23-26, 28-31, and 33 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Aihara et al. (US 2003/0065603) (“Aihara”) and claims 22, 27, and 32 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over the teachings of Aihara. This rejection is believed to have been improperly issued and improperly made final, for Aihara is not available as prior art under 35 U.S.C. 102(e) since the priority application to Aihara is an international application filed via the PCT that was *not* published under Article 21(2) of the PCT in the English language as required by 35 U.S.C. 102(e). This information was acknowledged to the undersigned representative by the Examiner in a telephone call on February 21, 2006.

Since Aihara is not available as prior art, the rejections based on Aihara are believed to be improper. Withdrawal of the prior art rejections is solicited. Also, since the prior art rejections were improperly issued, the finality of the Official Action is believed to be

DOCKET NO.: ASTB-0044
Application No.: 09/814,308
Office Action Dated: October 12, 2005

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**


improper and, accordingly, Applicant submits that it is entitled to amend the claims as a matter of right. Withdrawal of the finality of the Official Action and entry of the proposed amendments to claims 18 and 23-25 are solicited.

Finally, Applicant very much appreciates the courtesies extended by Examiner Van Doren during a personal interview with the inventor and the undersigned representative on February 15, 2006. During that interview, the inventor explained the operation of the invention in detail and explained at length the concept of "regret" as now set forth in amended claim 18 as, in effect, a balancing between the expected potential benefit derived from exploration of apparently non-best candidate actions and the expected benefit derived from exploiting what appears to have been the historically best-performing action under conditions similar to the current interaction environment, to thereby control a system for optimum operation. As noted during the interview, support for the revised definition of "regret" can be found throughout the specification but particularly in paragraphs [014], [097], [0111]-[0119], [0148], [0161], and [0254]. Examiner Van Doren agreed during the interview that the proposed claim changes were helpful in clarifying the invention and would be entered upon submission of the present amendment response. Entry of the proposed amendment to claim 18, withdrawal of the Final Rejection, and reconsideration of the claimed invention in view of the prior art is respectfully solicited.

Conclusion:

For the above reasons, it is submitted that the present application is in condition for allowance and a Notice of Allowability is solicited.

Date: Monday, March 13, 2006



Kenneth R. Eiferman
Registration No. 51,647

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439